

## Commission Statement on Collateral Consequences

(Joined by Commissioners Gallagher,  
Brownsberger, Kinscherff, Knight, Guidry, and Levy)

While the Commission did discuss the public safety benefit of public access to information on sex offenses (and how challenging it is to quantify that benefit in light of the fact that it is impossible to track how many individuals, for example, may have chosen not to allow their children to interact with known sex offenders, thus possibly preventing some unknown number of incidents), this statement focuses on the collateral consequences of conviction, registration, and notification.

Many sex offenders have difficulty securing employment and housing, and find that their social, emotional and physical well-being are compromised. The impact of the collateral consequences of conviction, registration, and notification on youth can be especially severe. Because of their developing brains and susceptibility to outside pressures, the humiliation of being labeled as a sex offender can be alienating and destabilizing, undermining rather than supporting rehabilitation efforts.<sup>1</sup> Other effects of registration, classification and notification on youth may include:

- Stunted development of healthy social relationships and the alienation of youth by peers and family;
- Creation of overwhelming barriers to educational and employment opportunities;
- Exacerbation of psychological difficulties;
- Physical harm as a result of suicide attempts and violence at the hands of vigilantes and harassment.<sup>2</sup>

Registration may also have the unintended consequence of increasing “the likelihood of future criminal behavior” by “restrict[ing] adolescents from the prosocial activities and developmentally appropriate affiliations that are necessary for normal, successful transitions from adolescence into adulthood.”<sup>3</sup> Children are further impacted when their families experience increased fiscal strain, difficulty finding and maintaining stable housing and stressed or severed relationships as a result of registration and notification laws.<sup>4</sup>

---

<sup>1</sup> Caldwell, M., Sexual Offense Adjudication and Sexual Recidivism Among Juvenile Offender, *Sexual Abuse: A Journal of Research and Treatment*, 19(2), 107-113 at 112 (2007).

<sup>2</sup> Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US, *Human Rights Watch*, 1-110 at 5, 50-80 (May 2013)(harm to youth can be severe and may include being stigmatized, isolated, depressed, suicidal, harassed and subject of violence).

<sup>3</sup> Miner, M., The Fallacy of Juvenile Sex Offender Risk, *Criminology & Public Policy*, 6(3) (2007) 564-572, 569.

<sup>4</sup> Calkins, C., et al., Sexual Violence Legislation: A Review of Case Law and Empirical Research, *Psychology, Public Policy, and Law*, 20(4), 443-462 at 452 (2014); Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US, *Human Rights Watch*, 1-110 at 5, 50-80 (May 2013).

Current national research similarly recognizes negative collateral consequences of registration and notification on adult sex offenders.<sup>5</sup> In addition to the debilitating social and emotional effects suffered from the stigma of the sex offender label, many offenders find it difficult to maintain lifestyle stability, an important factor in reducing recidivism.<sup>6</sup> Adults are known to experience:

- difficulty acquiring and sustaining stable housing resulting in frequent moves, inability to reside with supportive family, and homelessness<sup>7</sup>
- difficulty obtaining and sustaining stable employment<sup>8</sup>
- destabilizing psychosocial stressors including<sup>9</sup>:
  - Financial hardship;
  - Emotional distress including shame, alienation, isolation, and lack of social supports;
  - Living farther away from employment opportunities, treatment and support services, family and friends<sup>10</sup>;
  - Exacerbation of mental health symptoms such as depression, anxiety and substance abuse
  - Physical harm including violence at the hands of vigilantes and suicide<sup>11</sup>

---

<sup>5</sup> Letourneau, Levenson, Caulkins; No Easy Answers: Sex Offender Laws in the US, *Human Rights Watch* 19(4G), pp.1-134 at 80-99 (September 2007).

<sup>6</sup> Calkins, C., et al., Sexual Violence Legislation: A Review of Case Law and Empirical Research, *Psychology, Public Policy, and Law*, 20(4), 443-462 at 452 (2014).

<sup>7</sup> *Doe No. 380316 v. SORB*, 473 Mass. 297, 306 (2015), citing Platt, Gangsters to Greyhounds: The Past, present , and Future of Offender Registration, 37 N.Y.U. Rev. L. & Soc. Change 727, 762 (2013)(housing discrimination forces many offenders “to live in shelters or be rendered homeless”); Calkins, C., et al., Sexual Violence Legislation: A Review of Case Law and Empirical Research, *Psychology, Public Policy, and Law*, 20(4), 443-462 at 452 (2014); Prescott, J.J., Do Sex Offender Registries Make Us Less Safe? *Crime & Law Enforcement*, pp.48-55 at 55 (2012).

<sup>8</sup> *Doe No. 380316 v. SORB*, 473 Mass. 297, 306 (2015), citing *Commonwealth v. Canadyan*, 458 Mass. 574, 577 n.8 (2010)(“extraordinary obstacles facing offenders attempting to secure employment”); Calkins, C., et al., Sexual Violence Legislation: A Review of Case Law and Empirical Research, *Psychology, Public Policy, and Law*, 20(4), 443-462 at 452 (2014); Prescott, J.J., Do Sex Offender Registries Make Us Less Safe? *Crime & Law Enforcement*, pp.48-55 at 55 (2012).

<sup>9</sup> Calkins, C., et al., Sexual Violence Legislation: A Review of Case Law and Empirical Research, *Psychology, Public Policy, and Law*, 20(4), 443-462 at 452 (2014).

<sup>10</sup> Calkins, C., et al., Sexual Violence Legislation: A Review of Case Law and Empirical Research, *Psychology, Public Policy, and Law*, 20(4), 443-462 at 452 (2014).

<sup>11</sup> Calkins, C., et al., Sexual Violence Legislation: A Review of Case Law and Empirical Research, *Psychology, Public Policy, and Law*, 20(4), 443-462 at 452 (2014).

Some studies show that “publicly revealing the identity and criminal history of a released offender seems to increase the likelihood of his returning to crime.”<sup>12</sup> To protect public safety and enhance offender stability, the Commission recommends the creation of best practices strategies and options in housing, treatment, employment and other support services for sex offenders and their families.<sup>13</sup>

---

<sup>12</sup> Prescott, J.J., Do Sex Offender Registries Make Us Less Safe? *Crime & Law Enforcement*, pp.48-55 at 54 (2012); Sandler, J., Freeman, N. and Socia, K., Does a Watched Pot Boil? *Psychology, Public Policy, and Law*, 14(4), 284-302 at 299 (2008).

<sup>13</sup> Calkins, C., et al., Sexual Violence Legislation: A Review of Case Law and Empirical Research, *Psychology, Public Policy, and Law*, 20(4), 443-462 at 457 (2014) (“[E]very dollar spent on housing a civilly committed offender, electronic monitoring, and administering and enforcing [registration and community notification laws] is a dollar that is not spent somewhere else, whether on evidence-based treatment of sex offenders, primary prevention efforts, victim services, or research aimed at bettering secondary prevention efforts, including early identification of those who exhibit behaviors associated with sexual violence.”)